

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
AT JACKSON**

KING TIRE LLC,)	
)	
Plaintiff,)	
)	
v.)	No. _____
)	
STATE AUTO PROPERTY AND CASUALTY INSURANCE COMPANY,)	
)	
Defendant.)	

**NOTICE OF REMOVAL OF A CIVIL ACTION BY DEFENDANT,
STATE AUTO PROPERTY & CASUALTY INSURANCE COMPANY**

Comes now the defendant, State Auto Property & Casualty Insurance Company, ("State Auto"), incorrectly sued as State Auto Property and Casualty Company, by and through counsel, pursuant to 28 U.S.C. § 1446, and hereby gives notice of removal of this action from the Circuit Court of Gibson County, Tennessee at Humboldt, to the United States District Court for the Western District of Tennessee, Jackson Division, and alleges as follows:

1. On April 25, 2022, the Plaintiff, King Tire LLC, filed suit in the Circuit Court for Gibson County, Tennessee at Humboldt under docket no. 4226 naming State Auto as the lone Defendant ("the Circuit Court suit"). A copy of the Circuit Court suit filed by the Plaintiff is attached as **Exhibit A**.

2. State Auto was served with the Circuit Court suit on May 04, 2022, through the Tennessee Department of Commerce and Insurance pursuant to Tenn. Code Ann. § 56-2-504.

3. No further proceedings have been had in the Circuit Court suit.

4. The entire amount in controversy, exclusive of interest and costs, exceeds the sum of Seventy-Five Thousand and no/100 Dollars (\$75,000.00). In particular, Plaintiff alleges, among other things, breach of contract regarding an insurance policy against State Auto seeking damages not less than \$2,250,000.00.

5. Diversity of citizenship exists between the Plaintiff who is a citizen of Tennessee, and State Auto is a citizen of Iowa. Furthermore, State Auto's principal place of business is located in Iowa.

6. This Court has original jurisdiction over the above-styled action, pursuant to the provisions of 28 U. S. C. § 1332(a) and (c) because State Auto is not a citizen or resident of the State of Tennessee, and because the amount in controversy exceeds Seventy-Five Thousand and no/100 (\$75,000.00), exclusive of interest and costs. Therefore, this removal is proper, pursuant to 29 U. S. C. § 1441(a).

WHEREFORE, State Auto gives Notice of the removal of this action from the Circuit Court for Gibson County, Tennessee at Humboldt, to the United States District Court for the Western District of Tennessee, Jackson Division. State Auto demands a constitutional jury to try this cause.

Respectfully submitted,

s/Matthew B. Rogers

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June, 2022, a true and correct copy of the foregoing NOTICE OF REMOVAL OF A CIVIL ACTION BY DEFENDANT, STATE AUTO PROPERTY & CASUALTY INSURANCE COMPANY was filed electronically. Notice of this filing will be sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U. S. Mail. Parties may access this file through the court's electronic filing system.

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s/Matthew B. Rogers

MATTHEW B. ROGERS

MBR: